

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SAFECO INSURANCE COMPANY OF  
AMERICA,

Plaintiff,

v.

A. WILLIAMS TRUCKING AND  
BACKHOE TRENCHING INC., et al.,

Defendants.

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GARAUFIS, United States District Judge.

MEMORANDUM & ORDER

06-CV-2263 (NGG) (JMA)

On June 25, 2007, Magistrate Judge Joan A. Azrack issued a Report and Recommendation (R&R) recommending: (1) summary judgment be entered against Defendants; (2) Plaintiff be awarded \$248,546.30 plus interest at the rate of nine percent per annum from February 5, 2007 until the entry of judgment; and, (3) liability for Plaintiff's attorneys' fees and expenses, with the amount to be determined at an inquest conducted by the court. No party has filed objections to the R&R.

In reviewing an R&R, this court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In order to accept a Magistrate Judge's R&R where no timely objection has been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp.2d 606, 609-10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)); see also Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it is "not facially erroneous").

The court finds no clear error in the R&R and therefore adopts the R&R for the reasons stated therein. Plaintiff's motion for entry of summary judgment, damages, and attorney's fees is hereby GRANTED. The inquest as to the amount of the attorney's fees shall is hereby referred to Judge Azrack for an R&R.

SO ORDERED.

Dated: *Aug* 1, 2007  
Brooklyn, N.Y.

/signed/  
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Nicholas G. Garaufis  
United States District Judge